

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

HEIDI KENNARD, *individually and on behalf of those similarly situated,*)
Plaintiff,)
v.) Case No. 2:14-cv-04017-BCW
CHRISTINE KLEINDIENST, *in her official capacity as Callaway County Recorder of Deeds and on behalf of all Missouri Recorders of Deeds ,*)
Defendant.)

ORDER

Before the Court is Magistrate Judge Matt J. Whitworth's Report and Recommendation approving the parties' jointly proposed settlement agreement (Doc. #48). No party filed an objection to the Report and Recommendation. After an independent review of the record, the applicable law, and the parties' arguments, the Court adopts Magistrate Judge Matt J. Whitworth's findings of fact and conclusions of law. Accordingly, it is hereby

ORDERED for the reasons stated in the Report and Recommendation (Doc. #48), the parties' proposed settlement agreement is APPROVED. It is further

ORDERED Magistrate Judge Matt J. Whitworth's Report and Recommendation is ADOPTED. It is further

ORDERED Defendant and members of the Defendant Class, as well as their employees and agents, are prohibited from requiring individuals 18 years of age or older who are unable to appear in person before the recorder of deeds because of incarceration, military service, or

disability, to appear in the presence of recorders of deeds or their deputies as a condition for issuance of a marriage license. It is further

ORDERED upon reasonable written proof as to (1) the authenticity of the signature of an applicant on a marriage license application; (2) reasonable proof of the fact that the applicant, 18 years of age or older, is unable to appear in the presence of the recorder of deeds at the time the application is completed; and (3) receipt of all fees and other documents required for the issuance of a marriage license under the laws of the State of Missouri, Defendant and members of the Defendant Class shall issue marriage licenses to any member of the Plaintiff Class without requiring any individual applicant unable to appear to execute or sign a marriage license application in the presence of the recorder of deeds or any deputy. Completion of the applicable attached Affidavit and Verification forms (Exhibit A) shall provide *prima facie* proof of the authenticity of the applicant's signature and proof of the fact that the applicant is physically unable to appear in the presence of the recorder of deeds at the time the application is completed. Future changes to the Affidavit and Verification forms should be coordinated with and agreed to by the counsel for the parties and presented to the Court for approval. It is further

ORDERED as reasonable written proof of the foregoing facts, the Defendant Class may require that the individual applicant who is unable to appear submit an affidavit or sworn statement on a form furnished by the recorder of deeds, which shall include the necessary information for the recorder of deeds to issue a marriage license under Chapter 451 of Missouri Revised Statutes. The affidavit or form shall also include an attestation signed by the applicant and an independent verification stating in substantial part that the applicant is unable to appear in the presence of the recorder of deeds as a result of the applicant's incarceration, military service, or disability. It is further

ORDERED Plaintiff is the prevailing party for purposes of 42 U.S.C. § 1988. It is further ORDERED the Court retains jurisdiction to enforce the judgment.

IT IS SO ORDERED.

DATED: February 26, 2015

/s/ Brian C. Wimes

JUDGE BRIAN C. WIMES
UNITED STATES DISTRICT COURT